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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Human Rights Council Membership Standards: Why Bahrain Does Not Deserve a Seat in the Council

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 39th Session of the United Nations Human Rights Council (HRC) to raise serious concerns over the Government of Bahrain's aspirations for membership on the Council. The deteriorating human rights situation in Bahrain, coupled with Bahrain's failure to engage with the HRC and the Office of the High Commissioner for Human Rights, demonstrate to the international community that Bahrain would not be fit to be a Member State in the Council.

There has been an increasing number of States seeking to establish a set of membership standards for the Council. The growing concept to improve the standards of Members and hold States accountable has been mirrored elsewhere in the international community, including in a joint statement led by Ireland at the 32nd session of the HRC, which outlined a framework of objective criteria to proactively address situations of concern.

Bahrain has continuously failed to meet these proposed standards expected of a Member State.

I. Whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights or a relevant UN organ, body or agency

Former High Commissioner Zeid Ra'ad Al Hussein has directly raised concerns regarding Bahrain's human rights record, and repeatedly called for concrete measures to be taken to improve the situation. In 2017, following a lethal attack on peaceful protestors by Bahraini security forces, he called on the Government of Bahrain to "promptly launch an independent, effective investigation into the deaths of five protestors." Last year, the High Commissioner also stated: "Since June 2016, the government of Bahrain has imposed severe restrictions on civil society and political activism through arrests, intimidation, travel bans and closure orders, with increasing reports of torture by the security authorities."

Earlier this year, during his remarks at the opening of the 38th Session of the United Nations Human Rights Council, High Commissioner Zeid reiterated past concerns and sharply criticized Bahrain for its continuing refusal to cooperate with the Office of the High Commissioner and the mandates of the Human Rights Council Special Procedures.

II. Whether a group of Special Procedures have recommended that the Council consider action

On 15 August 2018, the UN Working Group on Arbitrary Detention (WGAD) published an opinion concerning the detention of prominent human rights defender Nabeel Rajab. The WGAD ultimately found that Rajab's imprisonment is in violation of several norms and laws of international human rights, and that his detention is therefore arbitrary, and called for his immediate release. The WGAD further noted that Rajab's is not unique, and that widespread and systematic arbitrary detention may constitute "crimes against humanity."

Additionally, at the end of 2017, the Special Procedures on extrajudicial executions, freedom of religion or belief, physical and mental health and the working group on arbitrary detention, issued a statement expressing their concerns over the "systematic harassment" of Bahrain's Shia population and Sheikh Isa Qassim's case, urging "the authorities in Bahrain to allow Mr. Qassim to receive visitors freely, to ensure that medical staff can treat him without pressure of any kind, and to ensure that he can continue to access the medicines he needs after leaving hospital." The Special Procedures offices also sent communications concerning the use of military courts to try civilians, and the pattern of enforced disappearances, torture, and fair trial rights violations in their case. In total, Bahrain has been the subject of 49 joint communications from Special Procedures offices in the last five years, and 85 communications since 2011.

III. Whether the state concerned has a national human rights institution with A-status

The Sub-Committee on Accreditations' assessment of Bahrain's National Institution for Human Rights (NIHR) as an institution that does not meet the criteria outlined for an A-status institution remains unchanged since 1 September 2017. Subsequently, the UN Human Rights Committee's concluding observations regarding Bahrain's initial International Covenant on Civil and Political Rights (ICCPR) review, released in July 2018, questioned the independence of the NIHR and called on the Institution to fully comply with the Paris Principles in order to be able to fully carry out its mandate, both effectively and independently.

IV. Whether the State concerned has been willing to recognize that it faces particular human rights challenges and has laid down a set of credible actions, including a timetable and benchmarks to measure progress, to respond to the situation:

In 2011, the Bahraini Government accepted 26 recommendations issued by the Bahrain Independent Commission of Inquiry (BICI), a panel of jurists and international human rights experts, but Bahrain's authorities have failed to make substantive progress on the majority of reforms. In 2017, the government reversed the two substantive BICI recommendations that it had previously implemented when it re-empowered the National Security Agency and allowed military courts to try civilians. Further, the Bahraini press lambasted the findings of the Human Rights Committee in the press following the release of their ICCPR concluding report, evincing a blatant disregard for the Committee's findings of human rights challenges in the country.

V. Whether the State concerned is engaging in a meaningful, constructive way with the Human Rights Council on the situation:

The Bahraini Government utilizes reprisals, including, torture, fabricated terrorism charges, travel bans and the targeting of family members, against individuals attempting to engage with international human rights bodies, particularly the Human Rights Council. Bahrain has also failed to comply with the vast majority of its Universal Periodic Review (UPR) recommendations. At the end of its 2nd Cycle UPR in 2017, the Bahraini Government declined to fully implement any of its 176 recommendations. Of the 158 recommendations accepted by the government, only two saw significant progress toward implementation, while 23 others were merely technically implemented with little substantive impact. Bahrain accepted even less recommendations for its 3rd Cycle UPR, and it submitted a misleading and inaccurate National Report.

VI. Whether the State concerned is effectively cooperating with Human Rights Council Special Procedures, including by enabling country visits:

Bahrain has not allowed any of the Special Procedures to visit since 2006, despite repeated requests by various mandate holders. In recent years it has rejected country visit requests from the Special Rapporteurs on torture, freedom of assembly and association, freedom of opinion and expression, and human rights defenders, as well as the Working Groups on arbitrary detention, enforced disappearances, and discrimination against women.

VII. Whether the State concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with the UN Human Rights Treaty Bodies:

In July 2018 the UN Human Rights Committee released its concluding observations regarding Bahrain's initial ICCPR periodic report, marking Bahrain's first review of compliance with treaty obligations despite ratifying the Covenant in 2006. The report came over a decade late, as State Parties were expected to submit an initial report one year after ratification. Following the release of the concluding observations, which intensely scrutinized Bahrain's commitment to civil and political rights, the Bahraini government responded by questioning the independence of the treaty body and seeking to undermine the process.

High Commissioner Zeid also criticized the Bahraini government for its lack of willingness to cooperate with his Office, expressing that "I have also repeatedly offered the support of my Office to assist with practical improvements. These efforts have been met with point-blank denials, unfounded accusations and unreasonable last-minute conditions to technical missions."

VIII. Whether a relevant regional mechanism or institution has identified a situation as requiring the attention of the international community; or whether the State concerned is cooperating with relevant regional organizations

No such mechanism or institution exists.

IX. Whether the State is facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders, and the media:

Bahraini authorities have consistently and increasingly obstructed the work of civil society actors in the kingdom, including human rights defenders and the media. The Human Rights Committee's concluding observations regarding Bahrain's initial ICCPR periodic report noted how restrictions remained on freedoms of expression, association, assembly, and belief. Counter-terrorism measures are used against human rights defenders and political activists, such as the members of the Bahrain 13, to silence free speech. The government also targeted and closed the last remaining independent newspaper, Al-Wasat. The treaty body's report also voiced concerns over human rights organizations and

opposition groups that have been dissolved and use of citizenship revocation as a punishment against individuals exercising their rights. The Committee urged Bahrain to immediately and unconditionally release anyone held solely for the peaceful exercise of their rights.

Conclusion:

Bahrain has repeatedly expressed interest in becoming a Member State to the HRC, despite their abysmal human rights record and lack of cooperation with international human rights bodies and mechanisms. The Government of Bahrain remains in breach of its international obligations to safeguard human rights and has repeatedly violated and curtailed the fundamental rights of people in the country. Therefore, the kingdom should not be allowed a seat in the Council.